

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the House Committees on
WATER & LAND
and
OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS**

**Friday, April 17, 2015
11:00 AM
State Capitol, Room 325**

**In consideration of
SENATE CONCURRENT RESOLUTION 25, SENATE DRAFT 1
AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE
EASEMENT FOR THE TIDE POOL STAIRS ENCROACHMENT PURPOSES IN THE
MANELE-HULOPOE MARINE LIFE CONSERVATION DISTRICT ON THE ISLAND OF
LANAI**

Senate Concurrent Resolution 25, Senate Draft 1 requests the authorization to issue a term lease of fifty-five years and non-exclusive easement for an estimated 25 square feet, more or less,¹ located seaward of Tax Map Key: (2) 4-9-017:002, at Pulawai, Lanai, for tide pool stairs encroachment purposes, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources ("Department") supports this concurrent resolution.**

The current owner of the abutting property, Lanai Resorts, LLC, dba Pulama Lanai, worked with the Department to resolve the encroachment. The encroachment was identified on state lands located makai of the shoreline and such area should be considered as submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources ("Board") may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution". At its meeting on June 13, 2014, under agenda item D-10, the Board approved the issuance of a term, non-exclusive easement for purposes stated above.

The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.

¹ The easement area is subject to review and confirmation by the State Surveyor.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony for
Committee on Water & Land
Committee on Ocean, Marine Resources, & Hawaiian Affairs
Friday, April 17, 2015, 11:00 a.m., Room 325

Representative Ryan I. Yamane, Chair
Representative Ty J.K. Cullen, Vice Chair

Representative Kaniela Ing, Chair
Representative Nicole E. Lowen, Vice Chair

**SCR25 AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE EASEMENT FOR THE TIDE
POOL STAIRS ENCROACHMENT PURPOSES IN THE MANELE-HUILOPOE MARINE LIFE CONSERVATION
DISTRICT ON THE ISLAND OF LĀNAʻI**

Dear Chairs Yamane and Ing, and Members of the Committees:

This letter is in **STRONG SUPPORT** of SCR 25 which authorizes a 55 year term lease and non-exclusive easement for the Tide Pool Stairs (Kiddie Stairs) on Lānaʻi. The Kiddie Stairs were constructed during the ILWU pineapple strike of 1951 for use by Lānaʻi's children to go down to the safe ocean tide pool area. I am Lynn McCrory, Senior Vice President of Government Affairs for Pūlama lanai. Pūlama Lānaʻi is the entity that has been set up to manage the assets and to work with the community and government as we move the island of Lānaʻi toward sustainability.

The kiddie stairs were reconstructed in 2006 and a hand rail was added for additional safety. As the entire stairs were reconstructed, we asked the Office of Conservation and Coastal Lands (OCCL) to confirm if the new stairs would qualify as a non-conforming use. They did and no further permits were required. Our options were to remove the kiddie stairs or apply for the easement. Pūlama Lānaʻi prefers to retain the kiddie stairs because of their historical significance and for the safety of our children. We held a community meeting on this subject and the community submitted testimony in support of the easement to the Board of Land and Natural Resources.

All documents have been submitted to DLNR - Land Division to finalize the easement. We humbly ask that you support SCR 25. Mahalo!

Me ke aloha pumehana
With warm aloha,

Lynn P. McCrory
Senior Vice President of Government Affairs